

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ANGELA MARIE CLARK,

Defendant-Appellee.

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UNPUBLISHED  
February 12, 2004

No. 241149  
Oakland Circuit Court  
LC No. 01-180716-FH

Before: Fitzgerald, P.J., and Neff and White, JJ.

WHITE, J. (*dissenting*).

Under the circumstances presented, including that there was no evidence presented connecting the drugs, drug paraphernalia, or weapons with the female possessions in the bedroom,<sup>1</sup> that the apartment was occupied by defendant's fiancée, who police knew to be involved in drug activities, that none of the contraband, except a small amount of marijuana, was readily observable when looking around the room, and that defendant presented compelling independent evidence explaining that she had changed her mailing address in anticipation of her upcoming marriage, I conclude that the circuit court did not err in granting the motion to quash.

/s/ Helene N. White

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<sup>1</sup> Cf. *People v Hardiman*, 466 Mich 417; 646 NW2d 158 (2002), relied on by appellant, where a woman's dress found at the apartment contained forty \$10 packs of heroin, and a letter addressed to the defendant, a female, was found in the same nightstand drawer as marijuana and heroin.